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## BRECKLAND COUNCIL

### At a Meeting of the

### CABINET

Held on Friday, 6 December 2019 at 12.00 pm in  
Norfolk & Dereham Rooms, The Conference Suite, Elizabeth House, Dereham

#### PRESENT

Mr S. H. Chapman-Allen  
(Chairman)  
Mr P.D. Claussen (Vice-  
Chairman)  
Mr S.G. Bambridge  
Mr P.J. Hewett

Mr M. S. Robinson  
Mr I. Sherwood  
Mrs A. M. Webb

#### Also Present

Mr T. J. Jermy  
Mr K. Martin  
Mr D. Wickerson  
Mr T. Birt  
Miss H. Bushell  
Mrs H. Crane  
Mrs V. Dale  
Mr R.W. Duffield  
Mr F. Eagle

Mr M. Kiddle-Morris  
Mr R.G. Kybird  
Mrs L.H. Monument  
Mr P. Morton  
Mr J.W. Nunn  
Mr D. R. R. Oliver  
Mrs L.S. Turner  
Mr R. Atterwill

#### In Attendance

Maxine O'Mahony

Christine Marshall

Riana Rudland  
Mark Stinson

Rob Walker  
Andrew D'Arcy  
Julie Britton

- Executive Director of Strategy & Governance  
(Monitoring Officer)
- Executive Director Commercialisation (S151  
Officer)
- Breckland Place Manager
- Executive Manager Governance (Deputy  
Monitoring Officer)
- Executive Director Place
- Planning Policy Manager
- Democratic Services Officer

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#### **98/19 MINUTES (AGENDA ITEM 1)**

The minutes of the meeting held on 28 November 2019 were confirmed as a correct record and signed by the Chairman.

#### **99/19 APOLOGIES (AGENDA ITEM 2)**

An apology for absence was received from Councillor Phil Cowen, the Executive Member for Finance & Growth.

#### **100/19 URGENT BUSINESS (AGENDA ITEM 3)**

None.

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**101/19 DECLARATION OF INTERESTS (AGENDA ITEM 4)**

None declared.

**102/19 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

Councillors Atterwill, Birt, Bushell, Crane, Dale, Duffield, Eagle, Jermy, Kiddle-Morris, Kybird, K Martin, Monument, Morton, Nunn, Oliver, Turner and Wickerson.

**103/19 CHAIRMAN'S ANNOUNCEMENTS (IF ANY) (AGENDA ITEM 6)**

None.

**104/19 BRECKLAND COMMUNITY FUNDING APPLICATIONS (STANDING ITEM) (AGENDA ITEM 7)**

None.

**105/19 DRAFT BUDGET SETTING, MEDIUM TERM PLAN AND CAPITAL STRATEGY (AGENDA ITEM 8)**

The Executive Director for Commercialisation & S151 Officer provided Members with a detailed overview of the report. This draft budget accommodated the latest known position; however, there remained estimates where final figures were not yet known, such as the Government Settlement that would not be announced until January 2020.

Referring to section 1.6 of the report, Members were informed that the Fair Funding Review and 75% Business Rates Retention scheme would see unprecedented levels of change for Local Government from 1 April 2021 but there was currently little information in order to aid budget estimates.

In terms of revenue, the budget approved by Full Council in February 2019 provided a balanced budget over the medium term, supported by the Transformation programme. Since this time, additional cost pressures and approved growth had been identified, along with additional income and service budgets that have been refreshed to produce this draft budget.

Details were the provided on the draft Capital Programme which included a budget for the purchase of waste contract vehicles and equipment of £5m that would be repaid through revenue over 8 years.

It was noted that the draft budget would be available on the website for customers to view and provide feedback through to 31 December 2019. The final budget would then be presented to Cabinet and Full Council in February 2020.

A question was then asked about the amount each Council would receive for a Band D property. Members were informed that the Parish precepts were still awaited and an analysis would be provided after the meeting.

Councillor Hewett, the Executive Member for Contracts & Assets had

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observed that even in these uncertain times the Council's medium term outlook was very positive.

Reasons

To comply with budgetary and policy framework and allow consultation with Members.

Options

That the draft capital and revenue budget estimates, the draft medium term financial plan and the draft capital strategy be reviewed.

**RESOLVED** that the draft capital and revenue budget estimates, the draft medium term financial plan and the draft capital strategy be reviewed, in preparation for the final budget setting in February 2020.

**106/19 QUARTER 2 FINANCIAL PERFORMANCE REPORT 2019-20 (AGENDA ITEM 9)**

The Executive Director for Commercialisation & S151 Officer presented the report.

The report provided information on the forecast full year financial position of the Council as at 30 September 2019.

The full year out-turn based on current projections and assumptions was forecasted above budget spend of £777k (5.8%) at the year end.

There were many smaller variances this quarter and these had been highlighted in the appendix attached to the report. The higher value variances had been identified at section 1.2 of the report which included Housing Benefit Subsidy costs £288K above budget due to the significant increase in demand for temporary accommodation.

The capital forecast out-turn was also highlighted (section 1.3 of the report)

Councillor Bambridge, the Executive Member for Planning referred to the Housing Service budget which he felt was very difficult to predict. The Housing Service had seen a significant increase in demand but the Council was taking steps to provide its own housing to relieve homelessness which in turn would relieve the burden.

Reasons for Recommendation

To provide timely information to Members on the overall financial position of the Council, enabling resource re-allocation to priorities where necessary.

Options

1. That the report and appendix be noted and that Cabinet Recommend to Full Council that funding of up to £500,000 be released from the Revenues and Benefits Reserve to cover the expected above budget spend in the Housing Service for this financial year.

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2. That the report and appendix be noted, but no funding is released to cover the expected above budget spend (this would result in the General Fund balance falling below the minimum required balance of £2.5m).
3. Do nothing.

**RESOLVED** that the report and appendix be noted.

**RECOMMEND** to **FULL COUNCIL** that funding of up to £500,000 be released from the Revenues and Benefits Reserve to cover the expected above budget spend in the Housing Service for this financial year.

**107/19 SWANTON MORLEY NEIGHBOURHOOD PLAN - MAKING (ADOPTION) OF THE SWANTON MORLEY NEIGHBOURHOOD PLAN (AGENDA ITEM 10)**

The Leader, Councillor Sam Chapman-Allen was pleased that both Ward Representatives for Swanton Morley were in attendance.

Councillor Bambridge, the Executive Member for Planning had great pleasure in presenting the Swanton Morley Neighbourhood Plan and thanked the Parish Council and all Officers involved in its preparation.

On behalf of the Parish Council, Councillor Atterwill, also thanked the Officers who had assisted in the production of the Plan.

Members echoed the aforementioned comments and congratulated Swanton Morley Parish Council for a great achievement.

**Reasons:**

It was recommended that Members endorse Option 1 as there was a positive vote in favour of making the Swanton Morley Neighbourhood Plan through a Referendum and there was considered to be compliance, rather than being incompatibility, with European obligations and Human Rights conventions.

**Options:**

- 1) Council agrees to “make” the Swanton Morley Neighbourhood Plan and is “made” as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of section 38A of the Planning and Compulsory Purchase Act 2004 as “...*more than half of those voting to have voted in favour of the plan ...*”, and to undertake the required publication, advise the Parish Council and other prescribed persons and subsequently update the district policies map.
- 2) Council does not make the Swanton Morley Neighbourhood Plan where “...*it considers that the Plan would breach, or would otherwise be incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).*”

**RESOLVED** that:

- 1) the Swanton Morley Neighbourhood Plan, as written at the time of the

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referendum, is “made” as part of the statutory Development Plan for Breckland Council, as required by paragraph (4)(a) of Section 38A of the Planning and Compulsory Purchase Act 2004 (Option 1);

- 2) the decision be published as required by paragraph (9) of Section 38A of the 2004 Planning and Compulsory Purchase Act;
- 3) Swanton Morley Parish Council and any other prescribed persons be advised about this, to meet the requirements of paragraph (10) of Section 38A of the Planning and Compulsory Purchase Act 2004.

**RECOMMEND to FULL COUNCIL** that the Breckland District Policies map be amended to meet the requirements of paragraph 9 of the Town and Country (Local Planning) (England) Regulations 2012.

**108/19 NEXT MEETING (AGENDA ITEM 11)**

The arrangements for the next meeting on 13 January 2020 at 9.30am in the Norfolk room were noted.

**109/19 WASTE AND RELATED SERVICES CONTRACT (AGENDA ITEM 12)**

Councillor Paul Hewett, the Executive Member for Contracts & Assets was pleased to present this significant contract to the Cabinet. If Members were minded to approve the recommendations, the contract would generate excellent benefits for all Councils.

Rob Walker, the Executive Director for Place echoed the aforementioned comments.

It was noted that, if approved, the second recommendation would be amended to include the Executive Member for Finance & Growth.

The Executive Director of Place thanked Riana Rudland, the Breckland Place Manager, Sarah Simpson, the Contract and Compliance Team Leader and the Officers involved at the two partner authorities for all their hard work.

The inter-authority agreement had been circulated to Members for information. After a short presentation it was

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A to the Act.

After the press and public had been excluded from the meeting, Members were provided with a detailed overview of the whole process and it was recommended that the contract be awarded to Bidder B, subject to formal contract and satisfactory conclusion of the statutory stand still period.

**Reasons**

1. Bidder B offers the most economically and advantageous tender.

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2. Award of this contract will ensure the Council continues to meet its statutory duty.
3. Award of this contract allows for compliance with the IAA.
4. Breckland's current contract expires in April 2021, and therefore procurement needs to be completed ahead of this date to allow for mobilisation.
5. Award of this contract provides for delivery of all core waste and related services at the same or enhanced levels as currently provided.
6. Award of this contract allows the 3 Authorities to benefit from efficiencies of scale working with other Councils.
7. Details regarding the outcome of the assessment of the bids was set out in confidential Appendix A to the report to Cabinet.

Options

1. Approve the recommendation to award the contract for the provision of waste and related services to Bidder B as the most economically advantageous bid, subject to formal contract and satisfactory conclusion of the statutory standstill time.
2. Approve the recommendation to award the contract for the provision of waste and related services to Bidder B as the most economically advantageous bid and implement costed food waste option.
3. Approve the recommendation to award the contract for the provision of waste and related services to Bidder B as the most economically advantageous bid and do not implement the costed food waste option.
4. Do nothing – this option would result in a breach of the IAA. Furthermore, it would result in BDC having to commence its own procurement for a new service provider, before the current contract expires.

**RESOLVED** that:

- 1) the most economically advantageous tender for the contract for the provision of waste and related services submitted by Bidder B is accepted, subject to formal contract and satisfactory conclusion of the statutory standstill time and that the Director of Place is authorised to complete and enter into the Contract;
- 2) delegated authority be granted to the Director of Place in consultation with Executive Member for Contracts & Assets **and the Executive Member for Finance & Growth**, to determine when and whether to implement provisional items (clinical waste collection and garden waste for disposal);
- 3) implementation of a food waste collection is not approved from the service commencement date, but the option to implement this in the future following periodic reviews be retained; and

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- 4) the recruitment of a 2 year fixed term Trade Waste Officer funded from income derived from the delivery of the commercial waste service be supported.

**RECOMMEND to FULL COUNCIL** that:

- 5) up to £5,000,000 approved capital budget be released for the purchase of vehicles and equipment; and
- 6) the Council notes the budget implications as set out in Appendix B of the report, and the necessary adjustments be made to the Council budget, including those derived from the Cabinet decision at recommendation 3 above.

The meeting closed at 12.55 pm

CHAIRMAN